

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 10081

PERMIT 5850

LICENSE 2842

**ORDER ALLOWING CHANGE IN PLACE OF USE  
AND CHANGE IN CHARACTER OF USE**

WHEREAS License 2842 was issued to Carlsbad Mutual Water Company and was filed with the County Recorder of San Diego County on November 4, 1946, and

WHEREAS said license was subsequently assigned to City of Carlsbad, and

WHEREAS the State Water Resources Control Board has found that the change in place of use and change in character of use under said license for which petitions were submitted on December 17, 1970, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said changes and has directed that an order be issued to describe said place of use and character of use in accordance with said petitions;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the place of use under said License 2842 to a place of use described as follows, to wit:

CALAVERA LAKE WITHIN SW $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF PROJECTED  
SECTION 34, T11S, R4W, SBB&M.

APPLICATION 10081

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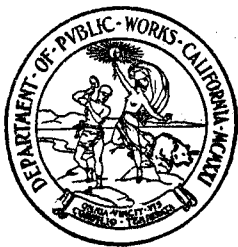
LICENSE 2842

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the character of use under said License 2842 to a character of use described as follows, to wit:

RECREATIONAL AND FIRE PROTECTION PURPOSES

Dated: FEB 5 1964

*K. L. Woodward*  
K. L. Woodward, Chief  
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

## License for Diversion and Use of Water

LICENSE 2842

PERMIT 5850

APPLICATION 10081

THIS IS TO CERTIFY, That **Carlsbad Mutual Water Company**  
**Carlsbad, California**

*Notice of Assignment (Over)*

has made proof as of **April 17, 1945**

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the waters of  
**Galavera Creek in San Diego County**

tributary to **Agua Hedionda Creek and Pacific Ocean**

*Notice of Assignment (Over)*

for the purpose of **Irrigation and domestic uses**

under Permit **5850**

of the Department of Public Works and that said right to the use of said waters has  
been perfected in accordance with the laws of California, the rules and regulations of the Department of Public Works  
and the terms of the said permit; that the priority of the right herein confirmed dates from **December 9, 1940;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed **one hundred fifty (150) acre-**  
**feet per annum by storage to be collected from about November 1 to about May 31 of**  
**each season.**

**This license is based on storage collected during the 1944 season and use**  
**of.**

The point of diversion of such water is located **North seventy-seven degrees, thirty six**  
**minutes west (N. 77° 36' W.) twenty-two hundred ninety-two and sixty-six hundredths**  
**(292.66) feet from the southeast corner of Section 34, T. 11 S., R. 4 W., S.B.B. & M.**  
**lying within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 34.**

A description of the lands or the place where such water is put to beneficial use is as follows: **irrigation and**  
**domestic uses on a total of 11,640.44 acres as follows:**

**10,596 acres within the boundaries of the District served by the Carlsbad**  
**Water Company in Townships 11 and 12 South, Ranges 4 and 5 West, S.B.B. & M.; 728**  
**acres in Sections 3 and 4, Township 12 South, Range 4 West and Section 35, Township 11**  
**S., Range 4 West, S.B.B. & M. and 316.44 acres in Lot "H" of Rancho Agua Hedionda in**  
**located Township 12 South, Range 4 West, S.B.B. & M. as shown on maps filed April 7, 1941**  
**November 12, 1942 with the State Engineer.**

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance  
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or  
unreasonable method of diversion of said water., and to prevent unreasonable interference with vested

• Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from  
time to time by the State Engineer.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion  
herein specified and to the lands or place of use herein described.

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public  
Works of the State of California, this 31st, 1946  
day of October

EDWARD HYATT, State Engineer

*Edward Hyatt*  
Deputy State Engineer

8/3/58 RECEIVED NOTICE OF ASSIGNMENT TO *City of Carlsbad*

LICENSE 2842

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO *Carlsbad Mutual Water Company*

DATED *October 31, 1946*